



## 1997 SENATE BILL 228

June 4, 1997 - Introduced by Senators ADELMAN and HUELSMAN, cosponsored by Representatives VRAKAS, MURAT, GREEN, R. YOUNG, GRONEMUS, CULLEN, HUBER and NOTESTEIN. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

1     **AN ACT to amend** 757.48 (title); and **to create** 757.48 (5) of the statutes; **relating**  
2     **to:** immunity of guardians ad litem.

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### *Analysis by the Legislative Reference Bureau*

Under current law, all guardians ad litem (GALs) are required to be attorneys. Currently, as interpreted by the courts, an attorney acting in his or her professional capacity enjoys a qualified immunity to 3rd parties. Under qualified immunity, the attorney is immune from liability if the attorney pursues in good faith his or her client's interest on a matter fairly debatable in law. The qualified immunity does not apply if the attorney acts in a malicious, fraudulent or tortious manner that frustrates the administration of justice.

This bill does not change the requirement that all GALs be attorneys. The bill provides that the qualified immunity available to attorneys applies to GALs for liability to 3rd parties and to the ward of the guardian ad litem.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3     **SECTION 1.** 757.48 (title) of the statutes is amended to read:  
4     **757.48 (title) Guardian ad litem must be an attorney.**

